
Employment Contract with Media Workers

A Review of Employment Practices in Pakistan

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Background

Media landscape of Pakistan has seen exponential growth during past 13 years. Prior to 2002, the state had a complete monopoly over the airwaves of the country in the shape of Pakistan Television and Radio Pakistan. However, the liberalization of country's electronic media market in 2002 brought a huge change in the media sector of Pakistan. Currently, there are 96 television channels, including 04 government owned channels, operating in the country. Similarly, more than 140 private local FM radio stations are also on-air across the country.

Surprisingly, the print media of the country have also expanded during this period. In 2002 there were about 1,100 dailies, weeklies and monthlies being published in the country. Now, their number has touched 1,800 –an addition of almost 700 new print media publications. Similarly, newspapers' circulation reportedly has also increased from 03 million to 06 million. As the cross media restrictions were lifted in 2007, now almost all leading print media houses own television channel or radio station.

This rapid expansion of Pakistan's media since 2002 has increased the numbers of journalists and media workers as well. From about 2,000 journalists in 2002, the number of journalists in 2015 has grown over 18,000. The Pakistan Federal Union of Journalists (PFUJ) has over 12,000 members. Almost 6000 are on the waiting list for membership. Ironically, less than 5% of these 18,000 journalists in Pakistan are women – around 750. Beside the journalists, number of other media workers has also increased. According to some estimates, number of media workers (journalists as well as non-journalists) is approximately not less than a quarter of a million. The ratio of female media workers and male media workers is not different from the ratio of female and male journalists.¹

Different categories of media people have different kinds of organizations and associations. For example, All Pakistan Newspapers Society (APNS) is the organization of newspaper owners and proprietors and it aims to protect the interests of the newspapers' owners. The editors are represented in the Council of Pakistan

¹ The data provided here was shared by Mr. Adnan Rehmat, a renowned media development expert based in Islamabad, and one of the Key Informants who were interviewed for the purpose of this research.

Newspaper Editors (CPNE). The working journalists have their association named as Pakistan Federal Union of Journalists (PFUJ). The All Pakistan Newspaper Employees' Confederation (APNEC) represents employees, journalists as well as non-journalists in newspapers' offices.

Pakistani journalists and media workers are working under abysmal service conditions. Despite presence of various legal frameworks – the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance 1968 and the Newspapers' Employees (Condition of Service) Act, 1973 – for print media workers, the situation is not very promising. The Standing Orders Ordinance provides certain benefits to the employees of the industrial or commercial establishment, such as classification of employees, publication of working time, wage rate, holiday and pay days, group incentive, group insurance, payment of bonus, closure of establishment, gratuity, procedure for termination etc.

The Newspapers' Employees (Condition of Service) Act, 1973 also contains provisions relating to termination from employment, provident fund, hours of work, leaves, and medical care and includes appointment of wage boards to fix employees' wages. The Act defines the term "Newspaper Employee" and provides for constitution of a Wage Board to determine the salaries of the newspapers employees. The Act also provides for an implementation Tribunal for Newspapers Employees (ITNE) for the purpose of implementation of determination/award of Wage Board. However, enforcement of the statutory obligations of the above legislation remained a challenge. Many times, the representatives of journalists have to approach to the courts for implementation of awards of the Wage Board.

Similarly, salary structure of journalists in the country makes for dismal reading. It has been observed that the workers are not even issued appointment letters. In many cases, owners summarily dismissed them without assigning any reason. Reportedly, a nexus between the government and media owners is leaving a negative impact on Pakistan's journalistic milieu. Due to non-implementation of statutory obligations, low wages, job insecurity and absence of other facilities have forced journalists to make compromises. Contracts of employees have emerged as one of the major issues. To avoid legal obligations, many of the media owners are either hiring daily wagers or hiring through a third party.

As mentioned above, due to removal of restriction on cross media ownership, all major newspapers' owners now have electronic media channels as well. However, they are unwilling to fulfill their statutory obligation in terms of decent wages, medical care and other privileges of the workers. Moreover, government policy regarding the ownership of newspapers has spawned a lack of professionalism in the newspaper industry. As a result of this, majority of publications now lack professional editors. The owner-cum-editors are now running the media business as well as manage the content of their respective media houses.

Objective(s) of the Study

Main objectives of the study are to:

- Understand the prevailing employment contract practices in the media industry in Pakistan
- Analyze individual employment contracts and the common practice of third-party contracting
- Review the terms and conditions of existing collective bargaining agreements (if any) in the industry and document the improvements in working conditions that media sector unions have achieved through collective bargaining

Methodology

A mixed research method, which includes review of the legal framework, analysis of available [copies of] contracts in the light of the legal framework, key informant interviews (KII) and observations of the researchers, is used in developing this study.

Limitations of the report

As mentioned above, the media have become a huge business in Pakistan. Therefore, it was not practically possible to reach out to each of the media houses for information relating to their contracts practices. However, keeping in view the utility and relevance of the study, only APNEC members (media houses) were approached. Therefore, the data and information given in this report mostly reflect the situation mainly at those media houses, which are members of the APNEC.

Roadmap of the Report

Part One of the report discusses constitutional and legal framework relating to media workers' rights and privileges in Pakistan. In Part Two, essential elements of an employment contract along with analysis of a few selected contracts will be provided. Third Part analyzes practical issues pertaining to the contracts. In the end, key findings concerning the issues of contracts and employment of media workers.

Part One: Legal Framework Governing Newspapers' Employees

Constitutional Framework

Labour laws govern and mediate the relationship between: workers/employees and employers; and trade unions and the government. Primary purpose of the laws is to maintain a balance between the rights of employer and employee. As Pakistan has inherited most the legislation from its British rules, the labour laws in the country are also origination from common law. Thereafter these laws have been amended, repealed and later replaced through new legislation.

Prior to the 18th Amendment, legislative business was divided between the federal and provincial units with a substantial role of the Federal government in legislating on majority of subjects. Labour related legislation was mainly a Federal government domain. Therefore, most of the existing legal framework governing labour market in the country were enacted/promulgated by the federal government. Print media industry (declarations/registration of newspapers, news agencies, presses, etc.) is being regulated at district level government with the role of provincial and federal information related ministries/departments in clearance and final approvals. Electronic media, on the other hand fall under the communications which is a federal subject. Therefore, electronic media is regulated through federal agencies (i.e., Pakistan Electronic Media Regulatory Authority (PEMRA)). Nevertheless, labour market of media industry, both electronic and print, remained a subject of the federal legislation until the arrival of the 18th Amendment in 2010.

The 18th Amendment changed the legislative scheme through abolishing the entire Concurrent Legislative List." This Constitutional Amendment gave provinces more autonomy in the field of legislation. Similarly, labour welfare, which was part of the concurrent legislative list, now vests with the provinces. However, it is still a question of clarity whether provinces can enact media industry related labour laws similar to the Newspapers' Employees (Condition of Service) Act, 1973 (as explained below)? If provinces have got the authority to make such enactments, there might appear more than one – provincial - tribunals to adjudicate the matter concerning media workers.

As mentioned above, 18th Constitutional Amendment abolished the entire Concurrent List of Legislation giving all these powers to the provinces. This included following six entries related to employment and labour areas:

Number-26: concerning welfare of labour conditions of labour, provident fund, employers' liability, workmen's compensation, health insurance including invalidity pensions and old age pension.

- Number-27: concerning trade unions; and industrial and labour disputes.
- Number-28: concerning setting up and carrying out of labour (employment) exchanges, employment information bureaus and training establishments
- Number-30: concerning regulation of labour and safety in mines, factories and oil fields
- Number-31: concerning unemployment insurance, and
- Number-45: concerning inquiries and statistics for the purpose of any matters in this list.

From the above six points, it appears that provinces can enact laws concerning all these subjects including labour unions, dispute – of labour – settlement mechanisms, etc. This would possibly mean that the provinces might also come up with their own local mechanisms to settle the disputes of the labour market in media industry. However, so far, none of the provinces have initiated such efforts.

Legal Framework

The efforts for the specialized legislation for media workers in Pakistan can be traced back to 1950s. Now, in addition to various general labour laws, country's legal framework has specialized legislative arrangements for newspapers employees. The first-ever effort for such dedicated legislation for employees of the newspapers was made in 1953 when the Central Legislative Assembly passed a resolution in 1953 to meet the demands from general body of press to improve their working/service conditions. In pursuance of this resolution, a Press Commission was set up on Sept 28, 1954 and was replaced by another Commission on Sept 5, 1958. The commission was

mandated “to examine and make recommendations on the rates of pay and working conditions of the journalists.”²

In March 1959 the Commission gave its detailed report / recommendations to the government. The Commission recommended that a law should be made to regulate the condition of service of working journalists. It also suggested constituting a Wage Board, which would fix the rates of wages of the working journalists. In response to the recommendations of the Commission, the government promulgated the Working Journalists (Condition of Service) Ordinance, 1960. The Ordinance defined the ‘working conditions of journalists.’ According to the Ordinance the Wage Board was mandated to fix the rates of wages only for working journalists not for all the employees of the newspaper organizations. It also stated that all the working journalists would be given wages according to the Wage Board decision. Complying with the provisions of Section 8 of the Ordinance, the government constituted country’s first Wage Board on May 30, 1960. Second Wage Board was commission in 1969.

The West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance 1968

The West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance 1968 “Standing Orders” is the basic legislation, which guides about the labour employment, terms and conditions and termination. This is applicable to every Industrial/Commercial Establishment, wherein twenty or more workmen are employed. It is also applicable to Government controlled Industrial/Commercial Establishments, if no Statutory Rules³ have been framed. The Government may also extend the applicability of “Standing Orders” on any Organization, through issuing a notification in this regard.

The Standing Orders Ordinance provides certain benefits to the employees of the industrial or commercial establishment, such as classification of employees, publication of working time, wage rate, holiday and pay days, group incentive, group

²The gazette of Pakistan, extraordinary, October 25,2001

³Statutory Rules are those Rules, which are framed under the authority given by some law (Act/Ordinance), and these rules and subsequently reviewed by Government and notified in the Official Gazette.

insurance, payment of bonus, closure of establishment, gratuity, procedure for termination etc. The Order provides following categories or classification of workmen:

- 1) Permanent: A “permanent workman” is a workman who has been engaged on work of permanent nature likely to last more than nine months and has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial or commercial establishment, including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal lock-out or strike) or in voluntary closure of the establishment.
- 2) Probationers: A “probationer” is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months service therein. If a permanent employee is employed as a probationer in a higher post he may, at any time during the probationary period of three months, be reverted to his old permanent post.
- 3) Badlis: A “badli” is a workman who is appointed in the post of a permanent workman or probationer, who is temporarily absent.
- 4) Temporary: A “temporary workman” is a workman who has been engaged for work, which is of an essentially temporary nature likely to be finished within a period not exceeding nine months.
- 5) Apprentices: An “apprentice” is a person who is an apprentice within the meaning of the Apprenticeship Ordinance, 1962 (LVI of 1962)].

The Newspapers’ Employees (Condition of Service) Act, 1973

The enactment of the Newspapers’ Employees (Condition of Service) Act, 1973 was a landmark development for employees of the newspapers in the country. The Act provided a broad definition of employee, covering almost all employees including editors working in the newspapers. This law also contained provisions relating to termination from employment, provident fund, hours of work, leaves, and medical care and includes appointment of wage boards to fix employees’ wages. The Act provided for the constitution of a wage board and an implementation tribunal. (Details are given below).

In Pakistan, terms and conditions of the employees of the newspaper are governed by “The Newspaper employees (Conditions of Service) Act 1973” (hereinafter referred as “the Act”), which repealed “Working Journalists (Conditions of Service) Ordinance,

1960". However, Section 17 of the Newspapers' Employees (Condition of Service) Act, 1973 provides that the provisions of Standing Orders Ordinance, 1968 except Standing Order 2 (relating to ticket) and clauses (1) and (2) of Standing Order 12 (regarding notice period of termination), shall apply to every newspaper establishment, wherein ten or more newspaper employees are employed or were employed. The Act provides following rights and obligations in respect of newspaper employees:

Who is a Newspaper Employee?

According to the Act, a newspaper employee means "any person employed to do any work in, or in relation to, any newspaper establishment and includes—

- (i) a whole-time journalist, including an editor, a leader writer, news editor, feature writer, reporter, correspondent, copy tester, cartoonist, news photographer, calligraphist and proof-reader ; and
- (ii) a whole-time non-journalist, including a manager, clerk, steno typist, printing engineer, linotype operator, composer, type-seller, photo studio attendant, printing worker, an accountant and an office peon"

The definition, however exclude the employees who are employed in managerial or administrative capacity. (Section 18 of the Act).

Appointment of Newspaper Employee

According to the Act, it is obligatory upon the newspaper establishment to furnish *a written order to the employee*, containing the terms and conditions of his service, at the time of appointment, transfer or promotion. (Section 3 of the Act).

Social Security

Newspaper establishment is also under obligation to provide Social Security to its employees; however, if employees are getting benefits more favorable than law, they shall continue to get those favorable benefits.

Medical Care

Medical care should be provided to employee and his dependents. This includes treatment by medical practitioner, specialists in hospital, essential pharmaceuticals and hospitalization if necessary.

Provident Fund

It is obligatory upon the newspaper establishment to establish a Provident fund. Employee and establishment are liable to equally contribute in such fund, which shall not be less than $6 \frac{1}{4}$ or more than 10% of the monthly wage of the employee.

Working Hours: Newspaper employee shall not be liable to work more than 42 hours a week.

Leave entitlement: Act provides following leave entitlements for the employees

- Sick leave: Newspaper employee is entitled for leave on submission of medical certificate on one-half of the wages, for not less than one-eighteenth of the period of service subject to a minimum period of ten days in a calendar year
- Casual leave: Fifteen days per year
- Annual leave: Newspaper employee is entitled for earned leave on full wages, for not less than one-eleventh of the period spent on duty

Termination

According to the Act, the services of employee shall not be terminated without good cause, through a written notice of such termination. It also provides the notice period or amount in lieu of notice. The criterion is as follows:

Total period of continuous service	Notice period
Three months to two years	One month
Two years to three years	Two months
Three years or upwards	Three months

Wage Board

The Act provides the constitution of Wage Board, responsible for fixation of wage rate of the newspaper employee. The Wage Board shall determine the wage rate keeping in view the cost of living, the prevalent rates of wages of comparable employments, the circumstances relating to the newspaper industry in different regions of the country, and any other circumstances, which to the Board may seem relevant. The Newspaper Establishment is under legal obligation to implement the decision of the wage board and non-compliance is an offence.

Implementation Tribunal for Newspapers Employees (ITNE)

Implementation Tribunal for Newspaper Employees (ITNE) is an important institution established in 1975 for the implementation of the Wage Board Award. ITNE is an attached department of the Ministry of Information, Broadcasting and National Heritage, Government of Pakistan. The tribunal has made its functional rules in 1977 titled "*Tribunal for Newspaper Employees (Procedure and Functions) Rules 1977.*" According to Section 12A of the newspaper employees (terms and conditions) Act, 1973, It is the responsibility of the Federal Government to constitute a Tribunal consisting of one or more members to implement the decision of the Board. The Chairman of the Tribunal shall be a person who has been, or is, qualified to be, a Judge of a High Court.

The Board is empowered on its own motion, or on the application of a party, to withdraw from any court (except the Supreme Court or a High Court) any application, proceeding or appeal relating to non-implementation of Wage Board award and dispose of it. The Tribunal is also empowered to hold inquiry for the determination of the category of the newspaper employee, for the purpose of implementing the decision of the Wage Board. It has all the powers of Labour Court while implementing decision of Wage Board including the powers to punish breaches of award.

Overriding effect

Section 19 stipulates that the provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service.

Electronic Media and Governing Legal Framework

The above two laws - The West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance 1968 and The Newspapers' Employees (Condition of Service) Act, 1973 – primarily relating to the print media. Both of the laws were promulgated/enacted long-time before the emergence of private electronic media in the country. The recently growth of the electronic media sector can largely be attributed to the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance, 2002. The PEMRA Ordinance provides a regulatory framework to regulate the establishment and operation of all broadcast media and distribution services in Pakistan.

The PEMRA law mainly deals with the licensing and regulation of private electronic media (television, radio, cable network etc.,) in the country. The law also focuses on regulation of the content being aired by the broadcasters. While the regulations require the licensees to make arrangements for security of their equipment, the law is silent regarding perks and privileges of staffers, including journalists, of electronic media. Therefore, it is a matter of serious concern for electronic media workers that there is no law similar to those applicable to the print media workers regarding their jobs and perks/privileges.

Part Two: Analyzing Employment Contracts of Media Workers

Essentials of an Employment Contract

The Essential – General – Terms and Conditions of an employment contract include the followings:

1. Full name of employer
2. Full name of employee
3. The address of the employer
4. The place of work (if there is no permanent place of work, a statement specifying that the employee is required or permitted to work at various places)
5. Appointment/job role - The title or description of the job or the nature of the work for which the employee is employed (duties should always be described in an inclusive manner and include a general clause for example that the employee will, in addition, be expected to carry out any reasonable requests of the employer)
6. The date of commencement of the contract
7. The rate of pay, the method of calculation and the frequency of payment (this clause should also include provisions on any permissible deductions in accordance with law).
8. The period of notice required from each party to terminate the Contract
9. The terms and conditions applicable to sick pay, (if any)
10. The terms and conditions applicable to pension schemes, (if any)
11. The terms and conditions relating to paid leave (if any)
12. The period of employment outside the State and the currency in which they will be paid (if applicable)
13. Any other benefits in kind or cash that will be provided
14. The terms and conditions applicable on the employee's return home (if applicable)
15. There are certain terms and conditions of employment that are not required by law but should be expressly included. For example:
16. English language
17. Flexibility with regard to Location of Work / Mobility Requirement / Changes in job role

- 18. Probationary Period and Probation Policy
- 19. Reporting Relationship
- 20. Hours of work / additional hours / overtime / shift liability / weekend liability / night work liability / public holiday liability / various provisions to cover rosters / zero hours / guaranteed hours / casual hours, etc.
- 21. Basic pay, overtime, additional hours, performance related bonuses, medical insurance, death in service, pension, other benefits
- 22. Deductions from pay
- 23. Absence Management, Sick Leave and Sick Pay, Medical examination
- 24. Holidays, public holidays, all other forms of leave
- 25. Grievance and Disciplinary Procedures
- 26. Confidentiality
- 27. Company Property
- 28. Phone and Mobile Phone Usage
- 29. Performance Review
- 30. Pay Review
- 31. Quiet-time, Lay-Offs or Short-Time
- 32. Health and Safety
- 33. Non - Smoking
- 34. Changes in Personal Details
- 35. Right to Inspect / Search
- 36. Drugs & Alcohol Policy / Right to Test for Intoxicants
- 37. Training and Courses
- 38. Retirement
- 39. Company Rules and Regulations
- 40. Equality
- 41. Bullying and Harassment / Respect and Dignity at Work
- 42. Restraint of Trade / Post-Termination Restrictions
- 43. Conflict of Interest
- 44. Internet, Email & Social Media Usage
- 45. Reimbursement of Travel & Expenses
- 46. Use of Company Vehicles
- 47. Use of own vehicles for work
- 48. Intellectual Property Rights

- 49. Retirement
- 50. Notice and termination of contract provisions including garden leave
- 51. Approval to work in ROI
- 52. Changes in terms and conditions of employment / contract conditions
- 53. Governing law
- 54. Employee handbook
- 55. Data protection
- 56. Acceptance of terms
- 57. Suspension without pay
- 58. Other employment / double employment
- 59. Break and rest periods / exemption provision for employer for recording breaks
- 60. Return of company property
- 61. Performance review
- 62. Public/media or social media comments

Analysis of a Few Employment Contract issued by Media Houses

No.	Organization	Category of contract (permanent, time-bound, daily-wager etc.)	Does the contract make reference to the law? Which Law?	Missing elements (violations of the laws)	Contract Quality Level ⁴	What is needed for a model contract?
1	Nawa media corporation on private limited	Fixed Term, with automatic extension for year to year basis	No reference to any law	Short notice period of termination.	Satisfactory, as some rights are provided to newspaper employees, and employment law is not specifically excluded.	Only reference of governing law of Newspaper Employees, (conditions of Services) Act 1973 can serve the purpose.
2	Media	Specific time	Laws are	Violation of notice period,	Bad	Only reference

⁴ Good, Satisfactory or Bad with reference to the rights (*mentioned under the Section of this Report on "Essentials of an Employment Contract" as well as given in "the Newspaper employees (Conditions of Service) Act 197"*), ensured through the contract, of the employees. If the contract mentions maximum rights as per the law, the contract is good. If the contract covers majority of the rights of employees but leaves a few, it is considered as satisfactory. However, if a contract does not mention most or any of the rights of the employee, it is treated as a bad contract.

Times (Pvt) Limited	contract referred but with exclusion clause.	specific exclusion of Newspaper Employees (conditions of Services) Act 1973, labour laws and any other law.	of governing law of Newspaper Employees (conditions of Services) Act 1973 can serve the purpose.
5	DAWN	All labour laws, any award has specifically been excluded.	One-day termination notice, which is violation of Newspaper Employees (conditions of Services) Act 1973 as well as any labour law. Wage board decision benefit has been specifically excluded which is a violation under law.
6	Jahan Publication	All labour laws, any award has specifically been excluded.	Specific exclusion of Newspaper Employees (conditions of Services) Act 1973, labour laws, and any other law.

	successful probation, upon one-month notice service can be terminated.	specifically excluded. Wage board decision has been specifically excluded which is a violation under law.	the purpose.
7	PTV Contract job description on PTV's stringer	Specific exclusion of Newspaper Employees (conditions of Services) Act 1973, labour laws, and any other law.	Bad Reference of governing law of Newspaper Employees (conditions of Services) Act 1973 can serve the purpose.
8	The News	Per story based employment. Employment is separated from normal PTV's employment.	Termination at any time, even such employment is distinguished from other employment of PTV. Bad Reference of governing law of Newspaper Employees (conditions of Services) Act 1973 can serve the purpose.

		which is a violation under law. Specific exclusion of Newspaper Employees (conditions of Services) Act 1973, labour laws, and any other law.		
9	Independent newspaper corporation (Pvt) Limited	Fix time contract No law is referred.	Short notice period which is a violation. Wage board decision benefit has been specifically excluded which is a violation under law.	Bad Only reference of governing law of Newspaper Employees (conditions of Services) Act 1973 can serve the purpose.
10	JAGG Broadcasting	Open ended contract No reference to law	Violation of notice period, termination without any reason is mentioned which is prohibited, end of service benefits are made discretion of employer which is a violation.	Satisfactory, as some rights are provided to employees, and employment law is not specifically excluded. Only reference of governing law of Newspaper Employees (conditions of Services) Act 1973 can serve the purpose.

Part Three: Practical Issues Pertaining to Employment Contracts

Previous section of report explains legal framework governing labour right of media workers in Pakistan. Nevertheless, despite this legal framework, media worker's conditions abysmal. Out of eight wage board awards, seven were constituted after enactment of the Newspapers' Employees (Condition of Service) Act, 1973. However, media workers had to approach to the higher courts for implementation of most of these awards. Here is a brief detail of the wage boards, which were constituted since 1973.

Wage Boards' Awards

(Details of first wage board award are given in Part One of the report)

Second Wage Board

On 11th September 1973 the government of Pakistan constituted the second wage board. Mr. Justice (Retd.) S.M. Shafi was appointed as a chairman of the board. In addition to the chairman, the board had two members representing the owners and two representing the employees of the newspapers. The mandate of the Board was to revise wages of newspaper employees according to the criteria given in the Newspaper Employees (Conditions of Service) Act, 1973. The board announced its decision on 8th of June 1974 and fixed new pay scale for the employees.

Third Wage Board

The third wage board headed by Mr. Justice (Retd.) Muhammad Munir Faruqi was constituted in 1979. The board consisted of eight members. Four of them were representing the employers (owners) and four representing the employees. The board announced its final decision in May 1980. The decision allowed the scheme of categorization of establishment and gradation of employees.

Fourth Wage Board

On 4th October 1984, the Federal Government constituted fourth wage board. Mr. Justice (Retd.) Mian Fazle Mehmood of Lahore High Court was appointed its chairman. The Board consisting of 12 members - six representing employers six

representing employees – gave its decision on 28th of September 1985 and was made operative from 15th April 1985.

Fifth Wage Board

Fifth wage board was constituted on 20th December 1989. Mr. Justice (Retd.) Agha Ali Hyder headed the board. Consisting of 14 members – seven from employers and seven from employees – the board granted interim relief vides its order dated 8th February 1990. The final decision was given on 18th December 1990. The decision was notified on 13th of January 1991 and was made operative from 15th of April 1990. However, before the arrival of the final decision, the APNS challenged the interim award in the Supreme Court. Upon the arrival of final award, the Supreme Court rendered the petition as in fructuous. Though the Court allowed the APNS to challenge the final award before a court of competent jurisdiction but it did not do so.

Sixth Wage Board

Sixth Wage Board came into existence on 23rd October 1994. Mr. Justice (Retd.) Zia Mehmood Mirza headed the Board as its chairman. In addition, the Board consisted of 18 members – 09 each from the employers and the employees. The Board announced its final decision on 23rd October 1994.

Seventh Wage Board

On 8th July 2000, the Government constituted 7th wage board. The wage board was comprised of 10 members – five each representing the employers and employees of the newspapers. Mr. Justice Raja Afrasiab Khan (Retd.) pronounced its award in October 2001. However, the newspapers owners have not complied with the Seventh Wage Board Award, which was announced on 8th October 2001. This means that the newspapers employees are still receiving the wages, which were fixed by the Sixth Wage Board Award 20 years ago.

Eighth Wage Board

On September 16, 2013, the government notified the constitution of the Eighth Wage Board for newspaper employees under the Newspaper Employees (Conditions of Service) Act 1973. According to the notification, Justice Sakhi Hussain Bokhari was

appointed as Chairman of the 12-member Board. The Board has yet to pronounce its decision.

Implementation Tribunal of Newspapers Employees (ITNE)

The Implementation Tribunal, which is meant for implementing the awards, has proved to be ineffective. Mr. Dilawar Mehmood, once Chairman of the ITNE, was of the opinion that unless the Tribunal gets more power from the government, it could not work efficiently. However, the newspapers' employees have been submitting to the ITNE for the implementation of the awards. One such case was filed union of employees of The News in 2007.

The News Employees' Case and ITNE⁵

The Lahore High Court decided a matter concerning 'move-over' and 'raise in salary' of employees of The News. The management of the newspaper challenged the decision in the Supreme Court but later withdrew the case. However, they did not implement the decision of the High Court. The News Employees Union approached to the ITNE in 2012. The case was of significance to employees of The News. The Urdu newspaper of the same group started implementing the decision of the High Court; however, employees of English newspaper i.e., The News of same groups were denied of the benefits. The Implementation Tribunal for Newspaper Employees (ITNE), headed by Justice (Retd.) Rauf Ahmed Shaikh, on Feb 2015 gave judgment in favour of the employees.

Contractual Issues of Employees⁶

Though the media market/industry has expanded, the working conditions for employees of the media have deteriorated. Prior to the Martial Law of General Zia, there was hardly any employee working on 'contractual-basis' with the news. However, practice of hiring 'contractual' and 'by third party' emerged in 1980s when newspapers started hiring non-editorial staff through a third-party. In most of the cases, these 'third-party' hiring companies are proxies of the owners of the

⁵ Key Informant Interview with Ms. Shahar Bano

⁶ Key Informant Interviews (KIIs) with Mr. Shafiuddin Asharaf, Chairman All Pakistan Newspapers Employees Confederation (APNEC), Mr. Mazhar Abbas, former General Secretary of Pakistan Federal Union of Journalists (PFUJ) and Ms. Shahar Bano, President of the News Employees Union, Karachi

newspapers. Ironically, these companies are not registered with the Employees' Old-Age Benefit Institute (EOIB). At present, three types of contracts are being given: (i) permanent (direct) employment contract; (ii) non-permanent/time-bound (direct) contract; (iii) third-party contract.

Currently, except 04-05 mainstream media houses (Dawn Group, Express/Tribune Group, The News/Jang Group, etc.,) most of media houses are hiring their workers through third party. Out of total workers of the media, not more than 20-25 percent are permanent. Most of these permanent employees were hired before the advent of electronic media in the country in early years of 21st century. Remaining 75-80 percent include approximately 03-05 percent daily wagers as well. Nevertheless, almost all media houses give direct contracts to their editorial staff. However, it is highly difficult to provide exact number of employees/media workers having direct or indirect contracts.

Difference Between Female and Male Employees Contracts

In response to the question that whether “there is an element of discrimination – positive or negative – exists in contract of a female employee from a male or there is any difference between the contract of a male employee and female employees” interviewees shared that there is no difference between the contracts of male and female media workers, except that the females are allowed to have maternity leave. However, they do not have medical facility for their male spouse. There is no reference to special needs of the female staffers in their contracts. The female workers are facing a number of issues such as equal pay, work appraisals, promotions, medical insurance, maternity leave, separate washrooms, transport, working hours, safety on the job, workplace harassment, and gender discrimination in assignments/beats.

The interviewees also highlighted that the discrimination in the allocation of medical coverage to female employees is because of the fact that they are not seen as primary income-earners. They emphasized the need to enhance maternity leave and introduce paternity leave.

Consequences of Third-Party Contracts

These workers, hired through a third-party, get their salaries on vouchers. They are not entitled to the social security and other benefits under the law. This is mainly because of the fact that they do not fall under the definition of 'employee' under the Newspaper Employees (Conditions of Service) Act, 1973.

Unions at Media Houses and CBA Contracts⁷

Unions of workers were a common practice at media groups in the past. At some point of time, there existed more than 50 unions of media groups' workers. Due to ban on unions during 1980s, emergence of contractual employees and other anti-workers policies and practices on the part of the various governments, unions have almost disappeared. At present, only a few (less than 10) unions are in existence. Unfortunately, only 03 or 04 are active. Moreover, contractual employees at the media groups, where unions exist, are not part of the unions.

According to information available, only Dawn Group and Jang Media Group have entered into contracts with the Collective Bargaining Agents/Associations (CBAs) of their respective groups. These contracts include implementation of the Wage Board Awards. The review of the contracts of two media houses – as mentioned in previous part of the report – show that salient features/conditions, which are agreed by the owners with the unions, are reflected in the contracts between the employees and employers. However, in most of cases, the employees have to approach to the ITNE for enforcement of these conditions. Recent case of The News group is one such example.

Employers' Perspective and Employees' Rights

All Pakistan Newspapers Society (APNS), a representative body of the newspapers' owners, holds a very strong opinion regarding the Wage Board Awards. This is reflecting from the non-implementation of the 7th wage Board Award. APNS argues that the media groups cannot afford to pay all the employees according to the Wage Board Award. According to APNS, the Newspapers Employees (Conditions of service) Act 1973 is a disaster for newspaper owners. They argue that the Act has

⁷ KII with Mr. Shafiuddin Ashraf, Chairman All Pakistan Newspapers Employees Confederation (APNEC).

increased the scope of definition of 'journalist' to all the employees of media houses. This means that even sweepers, drivers, ink men, accountants, business managers, dustmen, apprentices would now get wages and benefit structures according to the Award. This will make their salaries and benefits considerably in excess of the going market rates.

APNS believes that they have protected all bilateral concessions made to the union prior to the wage Boards. They also believe that the media houses have allowed the unions to continue activates despite the setting up of the Wage Board. As a result thereof, the newspapers' management now have to fight with the government every five years and its own union every year. In fact, media houses were not in a position to give more than what the wage Board had awarded. Nevertheless, the newspaper employees now had more than one compensation system. For example, they have:

- The Wage Board determining the minimum wage
- Special increments, determining extra payments
- Benefits bilaterally negotiated and protected by agreements with their respective CBAs (unions)
- Benefits like gratuity and medical granted by the Wage Board and to be paid compulsorily under the terms and conditions imposed by the Act.

Therefore, they argue, it is irrational to comply with all the determinations of the Wage Boards. The Act has reduced the differential in the amount paid to skilled and unskilled workers. The Act does not acknowledge the fact after the Wage Board Awards that under the Act, sweepers and peons are getting the salaries similar to the deputy commissioners.

Good Market Practices regarding the Employees' Contracts⁸

Most employees of Dawn are full-timers. In some sections, staffs are on one-year or three-year rolling contracts. District correspondents are usually on rolling contracts, which are renewed each year. Dawn media group is the one media group which annual increases the salary of the employees along with the annual bonuses. Separately,

⁸ KIIs and personal observation/experience of the researcher (Mr. Sohail Sangi) who is a veteran journalist with more than 25 years of work experience as reporter.

depending on the company's financial position, additional performance-based increments are also considered. But this does not happen on annual basis.

Dawn's full-time employees are entitled to pension, provident fund, as well as gratuity. Those, who are employed on annually renewable contracts, are also eligible to provident fund and gratuity. House rent is embedded in the salary in accordance the Wage Board Award. Full medical cover is also available for both permanent and contractual employees. The company is looking into the possibility of introducing special insurance cover for staff working in conflict zones.

Key Findings

- Currently, there are 96 television channels, including 04 government owned channels, operating in the country.
- More than 140 private local FM radio stations are also on-air across the country.
- In 2002 there were about 1,100 dailies, weeklies and monthlies being published in the country. Now, their number has touched 1,800.
- Almost all leading print media houses own television channel or radio station.
- The number of journalists in 2015 has gone over 18,000. The Pakistan Federal Union of Journalists (PFUJ) has over 12,000 members. Almost 6000 are on the waiting list for membership.
- Less than 5% of these 18,000 journalists in Pakistan are women – around 750.
- Approximately, number of media workers (journalists as well as non-journalists) is approximately reaching to quarter of a million.
- The West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance 1968 and the Newspapers' Employees (Condition of Service) Act, 1973 – are applicable to print media workers, only.
- Implementation of the Wage Board Awards has been a serious issue for the media workers. Many a times, they have to approach to the Supreme Court to have the awards implemented.
- Implementation Tribunal of Newspapers Employees (ITNE) has proved to be ineffective due to having limited powers and authority.
- Media house do not comply with the statutory requirement of hiring permanent employees. This is evident from the fact that more than 75% of their employees are contractual and many out of these contractual are daily wagers.
- Except mainstream media houses, most of media houses are hiring their workers through a third party. They are not entitled to the social security and other benefits under the law, mainly because of the fact that they do not fall under the definition of 'employee' under the Newspaper Employees (Conditions of Service) Act, 1973.
- Ironically, many of these contracts are issued not by the media houses directly. Third-Party Contracts are becoming a popular practice in the sector.

- There is no difference between the contracts of male and female media workers, except that the females are allowed to have maternity leave.
- At some point of time, there existed more unions of media groups' workers but this situation has deteriorated over the time and the union density has shrunken. The unions and their representative body should pay attention to this situation and strategize given the contemporary challenges they face.
- According to information available, only Dawn Group and Jang Media Group have entered into contracts with the Collective Bargaining Agents/Associations (CBAs) of their respective groups. These contracts include implementation of the Wage Board Awards.

